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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/465,387	12/17/1999	SATOSHI NISHIKAWA	862.3179	8815
5514	7590	03/29/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			WALLERSON, MARK E	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	

2626

DATE MAILED: 03/29/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/465,387

Applicant(s)

NISHIKAWA ET AL

Examiner

Mark E. Wallerson

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 31 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1,2,4-6,8-10,12-14,16-22,24-26,28,30 and 31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1,2,4-6,8-10,12-14,16-22,24-26,28 and 31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2626

Part III DETAILED ACTION

Notice to Applicant(s)

1. This action is responsive to the following communications: amendment filed on **12/31/03**.
2. This application has been reconsidered. Claims 1, 2, 4-6, 8-10, 12-14, 16-22, 24-26, 28, 30, and 31 are pending.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1, 9, 17, 19, 21, and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant claims second conversion means converting the**font data of the intermediate code** in lines 7 and 8 of claim 1. however, in line 10, Applicant claims generating print data based on the **intermediate code data converted** by the second conversion means. It is unclear whether the print data is generated based on the **font data** of the intermediate code or the intermediate code.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2626

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1, 2, 4, 5, 6, 7, 9, 10, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, 28, 30, and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Kawata et al (Kawata) (U.S. 6,219,149).

With respect to claims 1, 2, 4, 6, 9, 10, 12, 14, 17, 18, 19, 20, 21, 22, 24, 26, 30, and 31, Kawata discloses first conversion means for spooling a drawing command based on data generated by an application program (the abstract, lines 1-9) and converting the data to intermediate code data (the abstract, lines 1-9) means for acquiring an ID (the abstract, lines 6-19) and loading a resource file based on the ID (column 6, lines 25-44); means for converting, based on the resource file, font data of the intermediate code data to default font data (column 8, lines 22-63 and column 11, lines 15-18), and print generation means for generating print data based on the intermediate code (the abstract).

With respect to claims 5, 13, 25, the second conversion means is independent of the driver (figure 1).

Art Unit: 2626

With respect to claims 8, 16, and 28, Kawata discloses the second conversion means is capable of changing a processing content of each job (column 8, lines 22-63).

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

8. Claims 1, 2, 4, 5, 6, 7, 9, 10, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, 28, 30, and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Suzuki (U.S. 6,665,081).

With respect to claims 1, 2, 4, 6, 9, 10, 12, 14, 17, 18, 19, 20, 21, 22, 24, 26, 30, and 31, Suzuki discloses first conversion means for spooling a drawing command based on data generated by an application program (the abstract, lines 7-14) and converting the data to intermediate code data (column 4, line 60 to column 5, line 9) means for acquiring an ID (column 5, lines 10-30) and loading a resource file based on the ID (column 5, lines 10-30); means for converting, based on the resource file, font data of the intermediate code data to

Art Unit: 2626

default font data (column 5, 10-35) , and print generation means for generating print data based on the intermediate code (the abstract, lines 7-14); a printer driver, (figure 1) and a display device (column 14, lines 31-19).

With respect to claims 5, 13, 25, Suzuki discloses the second conversion means is independent of the driver (figure 1).

With respect to claims 8, 16, and 28, Suzuki discloses the second conversion means is capable of changing a processing content of each job (column 5, lines 10-35).

Allowable Subject Matter

9. The indicated allowability of claims 6, 14, and 26 is withdrawn in view of the newly discovered reference(s) to Suzuki and Kawata. Rejections based on the newly cited reference(s) follow.

Response to Arguments

10. Applicant's arguments with respect to claims 1, 9, 17, 19, 21, and 30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. All claims are rejected.

Art Unit: 2626

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Wallerson whose telephone number is (703) 305-8581.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, DC 20231

or faxed to:

(703) 872-9314 (for formal communications intended for entry)

(for informal or draft communications, such as proposed amendments to be discussed at an interview; please label such communications "PROPOSED" or "DRAFT")

or hand-carried to:

Crystal Park Two
2121 Crystal Drive
Arlington, VA.
Sixth Floor (Receptionist)

MARK WALLERSON
PRIMARY EXAMINER

MARK WALLERSON